



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



384262

**OCT 23 2008**

REPLY TO THE ATTENTION OF:

Lindsay Light II Site  
OU 00, OU01, OU02, OU03

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Thomas L. Cabbage, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
Post Office Box 7566  
Washington, D.C. 20044-7566

**Re: Lindsay Light II CERCLA Removal Site  
Demand for Payment of Past Response Costs**

Dear Mr. Cabbage:

The United States Environmental Protection Agency ("U.S. EPA") has been conducting response actions to address contamination at the Lindsay Light II Site and its Operable Units ("OUs"). U.S. EPA has been taking these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 100 Stat. 1613 (1986). Prior to undertaking these response actions, U.S. EPA determined that there was a release or threatened release of radioactive thorium, a hazardous substance, from the Lindsay Light II Site ("Site"). The U.S. EPA undertook the response actions using monies authorized by CERCLA, as amended. U.S. EPA also issued a Unilateral Administrative Order on June 6, 1996, (Docket No. V-W-96-C-353) as amended, March 29, 2000, to conduct certain response actions including the investigation and cleanup of off-site thorium contamination associated with the Lindsay Light Company's operations at 316 E. Illinois Street, Chicago, Illinois.

As you are aware, Site-related radioactive contamination has been identified at various OUs in the City of Chicago and one OU in Elgin, Illinois, and U.S. EPA has incurred response costs associated with the Site. U.S. EPA established several OUs for the Lindsay Light II Site. The approximate U.S. EPA combined response costs identified for Lindsay Light II Site OUs 00, 01, 02, and 03, from January 1, 2004, to May 31, 2008, are \$414,767.44 and a summary of costs for each of these OUs is enclosed.

This Demand Letter includes costs associated with:

OU 00 (Lindsay Light II 316 E. Illinois and site-wide costs not associated with an operable unit, *eg.* rights-of-ways or properties that are under investigation but do not have OU number assigned);

OU 01 (RV3/North Columbus Drive, also known as "Grand Pier");

OU 02 (Beverly Gravel, Elgin, Illinois); and

OU 03 (North McClurg Court, also known as "Grand, McClurg & Ohio" or "GMO" and "Teachers Retirement System" or "TRS").

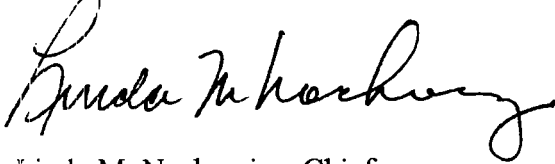
Information available to U.S. EPA indicates among other things that Tronox LLC is potentially responsible for the release, or threat of release of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, and based on evidence currently available to the Agency, U.S. EPA believes that Tronox LLC may be liable for the payment of all costs incurred by U.S. EPA in connection with the Site. The potentially responsible parties ("PRPs") are jointly and severally liable for the whole amount. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to U.S. EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund," which is established by the Internal Revenue Code, 26 U.S.C. §9507, and administered by U.S. EPA. Please send your check to U.S. EPA - Superfund Payments, Cincinnati Finance Center, P.O. Box 979076, St. Louis, MO 63197-9000. Place the following Site Identification Number on the check: 05YT. Please send a copy of your payment check to William Messenger, Chief, Emergency Enforcement Services Section, U.S. EPA, Region 5, Superfund Division (SE-5J), 77 W. Jackson Blvd., Chicago, Illinois 60604, and to Mary Fulghum, Office of Regional Counsel, U.S. EPA, Region 5 (C-14J), 77 W. Jackson Blvd., Chicago, Illinois 60604.

We hereby demand that you make restitution by payment of the amount in this letter expended by the Agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

If you desire to discuss your liability with U.S. EPA, please contact Mary L. Fulghum, Associate Regional Counsel, in writing no later than thirty (30) days after the date of this letter. Mary Fulghum may also be reached by phone at (312) 886-4683. If we do not receive a response from you within this time frame, U.S. EPA will assume that you have declined to reimburse the Fund for the Site expenditures, and pursuant to CERCLA, U.S. EPA may pursue civil litigation against you to recover all of its costs, with interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda M. Nachowicz", written in a cursive style.

Linda M. Nachowicz, Chief  
Emergency Response Branch 2

Enclosures